

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

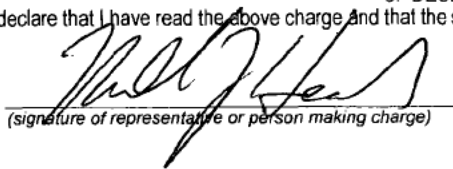
Date Filed

04-CA-162460

10/22/15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
<p>a. Name of Employer</p> <p>Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer</p>		<p>b. Tel. No. 610-645-9222(Hirsch)</p> <p>c. Cell No.</p> <p>f. Fax No.</p> <p>g. e-Mail</p> <p>h. Number of workers employed Specific Store: Approx 40</p>	
<p>d. Address (Street, city, state, and ZIP code)</p> <p>1. 3137 Broad Street, Philadelphia, PA.19132</p> <p>2. One McDonald's Plaza Oak Brook, Illinois 60523</p>		<p>e. Employer Representative</p> <p>1. Joseph Hirsch (counsel)</p> <p>2. Gloria Santona</p>	
<p>i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant</p>		<p>j. Identify principal product or service Fast Food</p>	
<p>k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p>			
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>On or about (b) (6), (b) (7)(C) 2015, Respondent(s) discharged employee (b) (6), (b) (7)(C) from its location at 3137 Broad Street, Philadelphia, PA.</p> <p>Respondent engaged in the conduct described above because the employee named therein joined, supported, or assisted the Union, and engaged in concerted activities for the purpose of mutual aid and protection, and in order to discourage employees from engaging in such activities for the purpose of collective bargaining or other mutual aid and protection.</p>			
<p>3. Full name of party filing charge (if labor organization, give full name, including local name and number) Pennsylvania Workers Organizing Committee(A Project of the Fast Food Workers Committee)</p>			
<p>4a. Address (Street and number, city, state, and ZIP code)</p> <p>c/o Gabby Jones 1706 Race Street Third Floor Philadelphia, PA.19103</p>		<p>4b. Tel. No. 718-483-4986</p> <p>4c. Cell No. 267-314-7987</p> <p>4d. Fax No.</p> <p>4e. e-Mail</p>	
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) See Number 3.</p>			
<p style="text-align: center;">6. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p>By  <u>Michael J. Healey</u> (signature of representative or person making charge) (Print/type name and title or office, if any)</p> <p>247 Fort Pitt Blvd., 4th Floor, PGH. PA. 15222</p> <p>Address _____</p>		<p>Tel. No. 412-391-1428</p> <p>Office, if any, Cell No. 412-760-0342</p> <p>Fax No. 412-281-9509</p> <p>e-Mail mike@unionlawyers.net</p>	
<p>10/16/15 (date)</p>			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

From: [DeSa, Emily](#)
To: [Kraus, Patricia](#); [Kobell, Deena E.](#)
Cc: [Peterson, Jane D.](#); [Canavan, Edward](#)
Subject: FW: new filing - charge assigned to your team: Jo-Dan MadAlisse d/b/a McDonald's and McDonald's USA as joint or single employer
Date: Thursday, October 22, 2015 2:46:38 PM
Attachments: [cfies-20154222014233.PDF](#)

From: Fies-Keller, Cara L.
Sent: Thursday, October 22, 2015 2:40 PM
To: DeSa, Emily; Kraus, Patricia
Cc: Peterson, Jane D.; Canavan, Edward
Subject: new filing - charge assigned to your team: Jo-Dan MadAlisse d/b/a McDonald's and McDonald's USA as joint or single employer

~Cara L. Fies-Keller

Acting Assistant to the Regional Director
National Labor Relations Board, Region 4
One Independence Mall
615 Chestnut Street, Suite 710
Philadelphia, PA
Tele: (215) 597-7636
Fax: (215) 597-7658
Email: Cara.Fies-Keller@nrlrb.gov

Basic Instructions:

Assigning Supervisor: Open the pdf attachment to the ARD's email, fill out the attached NxGen slip (using the Adobe typewriter function), and click save. Then forward the ARD's email to the assigned agent and docketing clerk along with any appropriate amplifying comments. Assume the docketing clerk is Jane Peterson unless a different person is noted in the original ARD email.

Assigned Agent: (1) Read the comments made by the ARD and supervisor concerning the handling of this case and begin the investigation promptly by contacting the charging party/petitioner. There is no need to wait until docketing is completed or you receive the paper file.

(2) Once you receive from the dockets section the docketed charge/petition showing the case number, please upload the ARD-Supervisor-Agent email into the NxGen Investigation Action. Use document subtype: Regional Office Internal Emails on Case Processing (EMI) and describe the document as: Assignment email chain.

Additional Information:

This charge or petition is being docketed using a paperless procedure. The subject line for each new filing will have the following format: "new filing – charge (petition) assigned to your team "case name."" You have received a pdf copy of the filing along with a NxGen slip. The NxGen slip has the case name, assigned supervisor, IA category and 10(j) potential marked. If it is a representation case, the hearing date will be noted on the NxGen sheet. Using the Adobe typewriter function, the supervisor should type in the name of the agent, number of 8(a)(3)/8(b)(2) discriminatees (if known), and the status of bargaining. Be sure to click "save" on the document before forwarding it to the agent and dockets. Outlook keeps a copy in your Sent Items folder that you can use for future reference.

To aid you, each new filing which has a NxGen history will be followed by a second email which will have the name of the case in the subject line. This second email will be an Excel spreadsheet which reflects the NxGen history of other related cases and their status. If any columns of the spreadsheet are not fully visible, you are able to adjust them as you would any spreadsheet.

If you do not know how to use the Adobe typewriter function please see the ARD.

Notes:

- 1) The reason for the standardization of the information in the subject line is to allow you to set up rules in your Outlook system which may assist you in organizing these emails. For information on setting up such rules, please contact FX Joanne Sacchetti.
- 2) I will also enter notes in the initial email such as if an agent previously had related cases, NIB/1st contract warning, obviously needed amendments, etc. Mostly, it will be the information you would have seen on the yellow slip.



Healey and Hornack, P.C.
ATTORNEYS AT LAW

Michael J. Healey
Joseph S. Hornack
Jules Lobel, OF COUNSEL

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Direct Dial: 412-391-1428
mike@unionlawyers.net

October 9, 2015

Dennis Walsh
Regional Director,
NLRB Region 4
615 Chestnut Street
Philadelphia, PA. 19106-4404

RE: Jo-Dan Enterprises d/b/a McDonald's et al

Dear Mr. Walsh:

Enclosed please find for your consideration and processing an original and 4 copies of unfair labor practice charges in the above captioned matter. The charges relate to an aspect in Philadelphia of what has been referred to as "fast food workers strikes/organizing" The charges are self-explanatory and are detailed in the narrative section of the charge.

There are a number of witnesses who have facts relevant to the allegations who can be produced for interviews. Please have your staff contact me at your earliest convenience and I can begin making arrangements to set up interviews. Copies of this charge have been served on the respondent(s) at the addresses noted on the charge.

I would anticipate wishing to file a brief position statement shortly after the interviews in this matter are complete. Please have a member of your staff contact me at their earliest convenience.

Very truly yours,

Michael Healey
Attorney for Charging Party

NEXTGEN *Docketing* Slip

Case Name: Jo-Dan MadAlisse LTD LLC d/b/a McDonad's and	Case Number:
McDonald's USA as joint or single employer	
Agent: Kobell	Supervisor: DeSa

C Cases:

Impact Category (circle one) 1 2 3 Potential 10(j)? <u>X</u> Yes ___No ___Unknown No. of 8(a)(3)/8(b)(2) Discriminatees: <u>1</u>	Case Group (related cases): a. Existing: Identify at least 1 case number from existing case group: _____ b. New: Provide all case numbers to create new case group: _____
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Agent: [AGENT NAME AND TITLE]

CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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October 22, 2015

GLORIA SANTONA
JO-DAN MADALISSE LTD, LLC
D/B/A MCDONALD'S AND MCDONALD'S USA
1 MCDONALDS PLAZA
OAK BROOK, IL 60523-1911

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-162460

Dear Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact Supervisory Attorney EMILY DESA whose telephone number is (215)597-7626.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to

October 22, 2015

making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis P. Walsh". The signature is fluid and cursive, with the first name "Dennis" and last name "Walsh" clearly distinguishable.

DENNIS P. WALSH
Regional Director

Jo-Dan MadAlisse LTD, LLC d/b/a - 3 -
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-162460

October 22, 2015

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: JOSEPH HIRSCH
 JO-DAN MADALISSE LTD, LLC D/B/A
 MCDONALD'S AND MCDONALD'S USA
 3137 BROAD STREET
 PHILADELPHIA, PA 19137

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer

CASE NUMBER

04-CA-162460

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC****A. STATE OF INCORPORATION OR FORMATION****B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES****4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**JO-DAN MADALISSE LTD, LLC D/B/A
MCDONALD'S AND MCDONALD'S USA, AS A
JOINT OR SINGLE EMPLOYER**

Charged Party

and

**PENNSYLVANIA WORKERS ORGANIZING
COMMITTEE (A PROJECT OF THE FAST
FOOD WORKERS COMMITTEE)**

Charging Party

Case 04-CA-162460

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 22, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

GLORIA SANTONA
JO-DAN MADALISSE LTD, LLC D/B/A
MCDONALD'S AND MCDONALD'S USA
1 MCDONALDS PLAZA
OAK BROOK, IL 60523-1911

JOSEPH HIRSCH
JO-DAN MADALISSE LTD, LLC D/B/A
MCDONALD'S AND MCDONALD'S USA
3137 BROAD STREET
PHILADELPHIA, PA 19137

October 22, 2015

Date

Patricia Kraus
Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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October 22, 2015

GABBY JONES
PENNSYLVANIA WORKERS ORGANIZING COMMITTEE
A PROJECT OF THE FAST FOOD WORKERS COMMITTEE
1706 RACE ST
PHILADELPHIA, PA 19103-1200

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-162460

Dear Ms. Jones:

The charge that you filed in this case on October 22, 2015 has been docketed as case number 04-CA-162460. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact Supervisory Attorney EMILY DESA whose telephone number is (215)597-7626.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

October 22, 2015

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

DENNIS P. WALSH
Regional Director

cc: MICHAEL J. HEALEY, ESQ.
HEALEY & HORNACK, P.C.
247 FORT PITT BLVD 4TH FL
PITTSBURGH, PA 15222



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

Agent's Direct Dial: (215)597-7650

October 22, 2015

MICHAEL J. HEALEY, ESQ.
HEALEY & HORNACK, P.C.
247 FORT PITT BLVD 4TH FL
PITTSBURGH, PA 15222

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a
joint or single employer
Case 04-CA-162460

Dear Mr. Healey:

You have asked the Region to consider whether injunctive relief is appropriate under Section 10(j) of the National Labor Relations Act. This letter is to advise you of how a 10(j) investigation differs from a typical unfair labor practice investigation and what you can do to assist in that investigation.

Section 10(j) of the Act allows the Board to seek immediate injunctive relief in U.S. District Court. This extraordinary relief is available only in situations where the Board's normal procedures will not provide effective relief because, by the time the Board issues an order, the damage caused by the illegal acts cannot be undone. You should be aware that the investigation of a 10(j) case differs from other unfair labor practice investigations in two important respects.

First, in addition to obtaining evidence to show that an unfair labor practice has occurred, the Board agent, during the initial investigation, must also obtain evidence showing that, without an injunction, the alleged unlawful acts could have a permanent effect so that any Board remedy would have no real effect. The Board agent may question you and other witnesses about the impact of the alleged violations on statutory rights, including facts that will show any "chill" on the right of you or other employees to engage in concerted or union activities. This evidence of impact varies from case to case depending on the nature of the unlawful conduct. Examples include: a drop in the number of union authorization cards obtained after the unfair labor practices began; a decrease in attendance at union organizing meetings; the number of employees affected by changes to important working conditions; and statements made by employees that would show, because of the unfair labor practices, they fear losing their jobs, are angry at the union, believe the union is ineffective, believe organizing is futile, etc.

Second, the investigation of cases involving potential 10(j) relief has priority over most other cases in the Region. This is because delay may entirely preclude injunctive relief where the situation has changed so much that an injunction cannot undo the harm caused by the unfair

Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-162460

- 2 -

October 22, 2015

labor practices. Thus, you should be prepared to present all of your evidence, including impact evidence, as quickly as possible.

If you have any questions, please contact the Board agent assigned to investigate your client's charge. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is written in a cursive, flowing style with a large initial "D" and a long, sweeping underline.

DENNIS P. WALSH
Regional Director

From: [Mike Healey](#)
To: [Kobell, Deena E.](#)
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460
Date: Tuesday, November 3, 2015 4:53:08 PM

Will get back tomorrow, need to confirm with the organizer

From: Kobell, Deena E. [mailto:Deena.Kobell@nlrb.gov]
Sent: Tuesday, November 03, 2015 4:52 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

OK, will you be sending a written request or would you like this email to serve as your withdrawal?
Or are you still uncertain and going to get back to me tomorrow?

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Tuesday, November 03, 2015 4:44 PM
To: Kobell, Deena E.
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

I am probably going to have to withdraw, getting witnesses in is problematic in the next week because of planned activities next Tuesday.

From: Kobell, Deena E. [mailto:Deena.Kobell@nlrb.gov]
Sent: Tuesday, November 03, 2015 4:42 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

Sorry, I will not be in the office on Friday. That is why I extended the deadline to Monday.

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Tuesday, November 03, 2015 4:33 PM
To: Kobell, Deena E.
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

Is there any chance you can do this sometime on Friday. An organizer is bringing another worker in that day to meet with someone else.

From: Kobell, Deena E. [mailto:Deena.Kobell@nlrb.gov]
Sent: Monday, November 02, 2015 5:52 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

Mike,

It's been a week and I have not heard back from you about the presentation of your witnesses in this case. I am still available Wednesday, November 4. I am also available Monday, November 9 for this purpose. This case is considered a "nip in the bud" case, so the Union is asked to present its evidence within a week of the date it filed the charge. This charge was filed on 10/22 but I did not get the charge until 10/26 -- it has been a week since then. The deadline for the presentation of evidence in this case is Monday, November 9. If you are not able to present your evidence by that date, perhaps you should consider re-filing the charge when you are ready to proceed. Please let me know your preference so that I can schedule my time accordingly.

Thanks.

Deena Kobell

From: Kobell, Deena E.
Sent: Monday, October 26, 2015 2:20 PM
To: 'Mike Healey'
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

Hi Mike,

Thanks for your email --- I was out of the office and only just saw the charge this am. I am available next Monday 11/2 and Wednesday 11/4 all day. Please let me know when works for you.

Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]
Sent: Monday, October 26, 2015 2:16 PM
To: Kobell, Deena E.
Subject: Fast Food (McDs) Case no. 04-CA-162460

Deena:

I just received the letter that you have been assigned on this case. Please let me know your availability over the next period of time and I will have the organizer get the principal witness in to your office.

We should talk prior to that time as there will likely be raised a threshold supervisory issue under Section 2(11). There has been a case pending in advice for a while, involving McDonalds and this particular issue.

(Case Nos. 10-CA-131488, 1341557, and 131543.), which led me to hold the filing of the charges for a bit.

Mike Healey

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Mike Healey

NXGEN Action Slip

Case Name: Jo-Dan Madalisse, LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer	Case Number: 04-CA-162460
Agent: Kobell	Supervisor: DeSa CATEGORY: 3

(1) Check the appropriate action

☒ Withdrawal Approval – Forward with recommendation
☐ Advice Issuance Action - Forward with draft
☐ Deferral Issuance - Forward with draft letter
☐ Dismissal Issuance - Forward with draft letter
☐ Settlement Approval - Forward with draft settlement
☐ Complaint - Forward draft complaint

2) Check if partial

☐
☐
☐
☐
☐

(3) Mark all allegation types that apply, as follows:

W=withdraw not adjusted; X=adjusted
 C =allegation type in Complaint
 ✓ = allegation type deferred
 D =dismissed not adjusted; A=adjusted
 S =allegation type settled

List RELATED Cases if any:

INFORMATION TO CHARGING PARTY ON REASONS FOR PROPOSED DISMISSAL:

Before the charge is dismissed, have you:

- (1) Told the CP why the charge would be dismissed, absent withdrawal? ☐ Yes ☐ No
 (2) Give the CP an opportunity to withdraw? ☒ Yes ☐ No
 (3) Absent withdrawal, did you solicit a short-form dismissal letter? ☐ Yes ☐ No
 (4) Did the CP agree to: (a) ☒ X Withdraw the charge? **OR** (b) ☐ Accept a short-form dismissal letter?

IF YOU DID NOT SOLICIT A WITHDRAWAL REQUEST OR SHORT-FORM DISMISSAL LETTER, PLEASE EXPLAIN BELOW WHY YOU DID NOT DO SO:

REASON:

IF PARTIAL DISPOSITION, INDICATE:

Sections withdrawn or dismissed: 8a1

Sections remaining: 8a1

<p>8(a)(1)</p> <p> <input type="checkbox"/> Coercive Actions (Surveillance, etc.) <input type="checkbox"/> Coercive Rules <input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) <input type="checkbox"/> Concerted Activities (Relatiation, Discharge, Discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of Supervisor (<i>Parker-Robb</i>) <input type="checkbox"/> Interrogation (Including polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten </p> <p>8(a)(2):</p> <p> <input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition </p> <p>8(a)(3):</p> <p> <input type="checkbox"/> Changes in Terms & Conditions of Employment <input checked="" type="checkbox"/> W Discharge (Including Layoff & Refusal to Hire (Not Salting)) <input type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (Salting only) <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Reinstate Ee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions </p> <p>8(a)(4):</p> <p> <input type="checkbox"/> Changes in Terms & Conditions of Employment <input type="checkbox"/> Discharge (including Layoff and Refusal to Hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Ee Striker <input type="checkbox"/> Shutdown or Relocate/Subcontract6 Unit Work </p> <p>8(a)(5)</p> <p> <input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining </p>	<p> <input type="checkbox"/> (including surface bargaining/direct dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Recognize <input type="checkbox"/> Repudiation/Modification of Contract- (Sec 8(d)/Unilateral Changes) <input type="checkbox"/> Shutdown or Relocate (e.g. <i>First National Maint.</i>) Subcontract Work </p> <p>8(b)(1)(A):</p> <p> <input type="checkbox"/> Coercion including Statements & Violence <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discipline (including charges/fines) Harassment <input type="checkbox"/> Duty of Fair Representation, including Superseniority, denial of access <input type="checkbox"/> Hiring Hall <input type="checkbox"/> Picketing/Strike Actions <input type="checkbox"/> Rules: Coercive <input type="checkbox"/> Union Dues and/or Membership related (including accessing fees). </p> <p>8(b)(1)(B):</p> <p> <input type="checkbox"/> Funds Contribution Related <input type="checkbox"/> Lawsuits <input type="checkbox"/> Other Allegations <input type="checkbox"/> Statements/Threats/Violence </p> <p>8(b)(2):</p> <p> <input type="checkbox"/> Hiring Hall Related <input type="checkbox"/> Lawsuits <input type="checkbox"/> Union Security Related </p> <p>8(b)(3):</p> <p> <input type="checkbox"/> Refusal to Bargaining/Bad Faith Bargaining or Surface Bargaining <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Failure to Sign Agreement </p> <p>8(b)(4)(A):</p> <p> <input type="checkbox"/> Lawsuits/Grievances <input type="checkbox"/> /Handbilling <input type="checkbox"/> Statements </p> <p>8(b)(4)(B):</p> <p> <input type="checkbox"/> Law Suits/Grievances </p>	<p> <input type="checkbox"/> Picketing/Handbilling <input type="checkbox"/> Statements </p> <p>8(b)(4)(C):</p> <p> <input type="checkbox"/> Law Suits/Grievances <input type="checkbox"/> Picketing <input type="checkbox"/> Statements </p> <p>8(b)(4)(D):</p> <p> <input type="checkbox"/> All Allegations </p> <p>8(b)(5):</p> <p> <input type="checkbox"/> All Allegations </p> <p>8(b)(6):</p> <p> <input type="checkbox"/> All Allegations </p> <p>8(b)(7)(A):</p> <p> <input type="checkbox"/> Other Allegations </p> <p>8(b)(7)(B):</p> <p> <input type="checkbox"/> Other Allegations </p> <p>8(b)(7)(C):</p> <p> <input type="checkbox"/> Other Allegations </p> <p>8(e):</p> <p> <input type="checkbox"/> All Allegations against a Labor Organization <input type="checkbox"/> All Allegations against an Employer </p> <p>8(g):</p> <p> <input type="checkbox"/> All Allegations </p> <p>REMEDIES SOUGHT</p> <p> AFFIRMATIVE ACTIONS BACKPAY AND EE REINSTATMENT FEES, DUES, FINES REFUNDED RESTORATION OF RIGHTS REMEDY SOUGHT/ENHANCED REMEDY ENHANCED REMEDIES SPECIFY ENHANCED REMEDIES HERE: </p>
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From: [Mike Healey](#)
To: [Kobell, Deena E.](#)
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460
Date: Wednesday, November 4, 2015 3:36:57 PM

Please consider this a request to withdraw this charge for now. Given the limited times the charging party and your office are available for interviews we can not get our witnesses within the deadline that has apparently been set in this case.

Mike Healey

From: Mike Healey
Sent: Tuesday, November 03, 2015 11:07 AM
To: 'Kobell, Deena E.' <Deena.Kobell@nlrb.gov>
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

I am talking to the organizer in a little bit today-will let you know.

From: Kobell, Deena E. [<mailto:Deena.Kobell@nlrb.gov>]
Sent: Monday, November 02, 2015 5:52 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

Mike,

It's been a week and I have not heard back from you about the presentation of your witnesses in this case. I am still available Wednesday, November 4. I am also available Monday, November 9 for this purpose. This case is considered a "nip in the bud" case, so the Union is asked to present its evidence within a week of the date it filed the charge. This charge was filed on 10/22 but I did not get the charge until 10/26 -- it has been a week since then. The deadline for the presentation of evidence in this case is Monday, November 9. If you are not able to present your evidence by that date, perhaps you should consider re-filing the charge when you are ready to proceed. Please let me know your preference so that I can schedule my time accordingly.

Thanks.
Deena Kobell

From: Kobell, Deena E.
Sent: Monday, October 26, 2015 2:20 PM
To: 'Mike Healey'
Subject: RE: Fast Food (McDs) Case no. 04-CA-162460

Hi Mike,

Thanks for your email --- I was out of the office and only just saw the charge this am. I am available

next Monday 11/2 and Wednesday 11/4 all day. Please let me know when works for you.

Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]

Sent: Monday, October 26, 2015 2:16 PM

To: Kobell, Deena E.

Subject: Fast Food (McDs) Case no. 04-CA-162460

Deena:

I just received the letter that you have been assigned on this case. Please let me know your availability over the next period of time and I will have the organizer get the principal witness in to your office.

We should talk prior to that time as there will likely be raised a threshold supervisory issue under Section 2(11). There has been a case pending in advice for a while, involving McDonalds and this particular issue.

(Case Nos. 10-CA-131488, 1341557, and 131543.), which led me to hold the filing of the charges for a bit.

Mike Healey



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
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Philadelphia, PA 19106-4413

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November 12, 2015

Doreen S. Davis, Esquire
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Michael Ferrell, Esquire
Jones Day
222 E 41st St
New York, NY 10017-6702

Joseph A. Hirsch, Esquire
Hirsch & Hirsch
One Belmont Avenue
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Bala Cynwyd, PA 19004

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a
joint or single employer
Case 04-CA-162460

Ladies and Gentlemen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Harold A. Maier

HAROLD A. MAIER
Acting Regional Director

cc: Gloria Santona, Esquire
1 McDonalds PLaza
Oak Brook, IL 60523-1911

Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-162460

- 2 -

November 12, 2015

Ms. Gabby Jones
Pennsylvania Workers Organizing Committee
1706 Race Street, 3rd Floor
Philadelphia, PA 19103-1200

Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Blvd 4th Floor
Pittsburgh, PA 15222

Dominique Johnson, Manager
Jo-Dan Madalisse LTD, LLC
d/b/a McDonald's
3137 Broad Street
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